



From the Ambassador
Sir David Manning KCMG

British Embassy
Washington

3100 Massachusetts Avenue, N.W.
Washington, D.C. 20008-3600

19 March 2004

Telephone: (202) 588-6511
Facsimile: (202) 588-7860

The Honorable F. James Sensenbrenner, Jr
Chairman
Committee on the Judiciary
2138 Rayburn House Office Building
Washington DC 20515-6216

www.BritainUSA.com

Dear Congressman,

Thank you for your letter of 17 March about the introduction of biometric passports for travellers from visa waiver program countries. You will be aware from your recent meeting with Baroness Symons and my letter of 12 February (enclosed for ease of reference) that this is a critical issue for the UK. We are committed to introducing an effective biometric passports programme as soon as possible. But, like many other countries, we are unable to meet the October deadline. I am therefore pleased to have the opportunity to help in your information gathering process. I very much hope that you will conclude that the deadline for introducing biometric passports should be extended until the end of 2005.

It might be helpful if I address each of your questions in turn:

Did the Department of State and the Department of Homeland Security provide your government with sufficient and timely information about the new requirements?

They did. As a result we have pursued our biometric passports programme with all possible speed. But even so, practical 'hard science' means that we will not be able to meet the deadline.

Will the UK be able to issue legally compliant passports before October 26, 2004?

We have already met (from 1988 in the vast majority of cases and by December 2003 in all cases) the requirement to issue machine-readable passports.

The State Department and the Department of Homeland Security accept that the UK's biometric passport programme, begun in June 2003, meets the legislative requirement (Part One of Section 303) to have a programme in place to deliver biometric passports. But we cannot roll out properly tested, secure biometric passports by October 2004,



because of the scale and complexity of the change and the associated risks to passport production for a country issuing six million passports per year. You will recall the detailed presentation on the technical complexity of this issue, passed to you at the meeting with Baroness Symons.

If not, has the UK initiated a process to revise its passports at a later date?

We have a comprehensive plan in place for implementing biometric passports and are pursuing it urgently.

When is it anticipated that the UK's passports will be compliant?

We expect to be issuing state-of-the-art, ICAO-compliant biometric passports to all new passport applicants by the end of 2005.

Does the UK currently use electronic scanners at its international ports of entry to read Machine Readable Travel Documents (MRTD) compliant with current International Civil Aeronautics Organisation standards (ICAO)?

Our scanners are ICAO compliant and we use them routinely, in addition to examination of the passenger and any supporting documents.

How will the proposed ICAO MRTD standards addressing global interoperability, reader technology and contactless chips anticipated to be adopted by the ICAO Technical Advisory Group on MRTD in May 2004 affect the UK's passport revision plans?

Confirmation of the refined standards will allow the UK programme to move ahead on the basis of much greater certainty about what is required, for example by using contactless chips which meet interoperability specifications.

I hope this gives you the information you require. If you have further questions, please contact me. Alternatively, one of your staff could call Lizzy Gummer on 588 7639.

Best wishes,

yours sincerely
David Manning

David Manning



EMBASSY OF SWEDEN

Washington, March 23, 2004 R 191 A

Washington

The Honorable F. James Sensenbrenner, Jr.
Chairman
Committee on the Judiciary
House of Representatives
2138 Rayburn House Office Building
Washington DC 20515-6216

Swedish Passports

Dear Chairman Sensenbrenner,

Referring to your letter of March 17, concerning the Visa Waiver program and Swedish passports, please find below the answers to your questions:

- The Swedish Government has in general received sufficient and timely information on new legal requirements through diplomatic channels, i.e. the State Department and the American Embassy in Stockholm. Sometimes the exact interpretation can be a problem, e.g. if Sweden will still benefit from a waiver.
- Sweden will not be able to issue legally compliant passports from October 26, 2004.
- The National Police Board, which is the agency responsible for passports in Sweden, has been tasked with drafting a proposal for the introduction of biometrical information in passports, including a time-scale. The Swedish Government is furthermore supporting a concerted European Union approach to finding a solution with the United States.
- The compliance of Swedish passports will be possible once the biometrical standards recommended by ICAO have been processed in the EU. Intensive discussions are at present going on in Brussels. According to our information a decision should be forthcoming at the end of this year. After finalizing technical specifications Member States would start issuing new standard passports in June 2006.

March 23, 2004

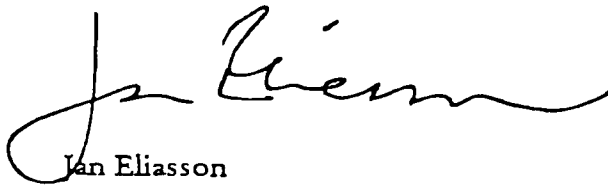
R 191 A

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- Sweden uses electronic scanners (system "Border Guard") at major international ports of entry.
- Sweden is pushing for implementation of the ICAO recommendations, foreseen to be adopted in May, to be included in the pending European Union legal instrument on this matter.

I hope that the information given above is useful to the Committee's further deliberations. If there are any follow-up questions, your staff can contact our Minister for Consular and Administrative Affairs Pontus Jarborg at (202) 467-2630.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jan Eliasson', with a large, stylized initial 'J'.

Jan Eliasson
Ambassador of Sweden



Embajada de España

Washington DC, March 25, 2004

The Honorable James Sensenbrenner, Jr.
Chairman, Committee on the Judiciary
Congress of the United States
House of Representatives
2138 Rayburn House Office Building
Washington, DC 20515-6216

Dear Congressman Sensenbrenner,

Your letter of March 17, 2004 addressed to our Ambassador, Mr. Javier Rupérez, was forwarded to the Spanish Ministry of Foreign Affairs and we have been instructed to convey to you the following information:

On February 18, 2004, the European Commission, in accordance with the conclusions by the Thessaloniki European Council and with the invitation issued by the Brussels European Council, dated December 12, 2003, has presented a draft of the EU standards on the regulations for the security and biometric devices in the passports of EU citizens.

As the objective of the proposal, in addition to rendering the passport more secure through the introduction of biometric identifiers which establish a reliable link between the genuine holder and the document, the European Commission has taken into account that this would allow EU Member States to comply with the requirements established by the new U.S. legislation, as of October 26, 2004.

Said draft regulations discuss the obligation of embedding a high-resolution electronic portrait in the passport, as well as a means of storage containing the facial image of the passport holder, with an option to include fingerprints.

Regardless of the above, it must be taken into account that Spain currently has a national register in which there is a digitized photograph and a fingerprint of each Spanish citizen holding a Spanish ID card.



Embajada de España

The Honorable James Sensenbrenner, Jr.
March 25, 2004
Page Two

As passports issued in Spain have the Spanish ID number, there is a link between said passports (85% of those issued) and the database containing the aforementioned biometric elements.

I hope that this information will be useful for your Committee's work.

Best Regards,

A handwritten signature in black ink, appearing to be 'F. Valdés', enclosed within a large, loopy oval shape.

Félix Valdés
Chargé d'Affaires

cc: US Department of State
Spanish Desk



The Ambassador

*Embassy of Italy
Washington*

Prot. N. 1651
March 25, 2004

Dear Hon. Sensenbrenner:

I write with reference to your letter dated March 17, 2004, in which you inquire as to how Italy is addressing the requirement for machine-readable passports containing at least one biometric identifier, introduced by the U.S. PATRIOT Act of 2001, that would allow continued participation to the Visa Waiver Program. In this connection, I am pleased to provide the Committee of the Judiciary of the House of Representatives, under your Chairmanship, the following information:

- The Department of State and the Department of Homeland Security have been informing in a timely manner the Italian Authorities on the new U.S. requirements for passports containing biometric indicators.
- Italy and – based on available information – all other European Union countries will not be in a position to issue passports containing biometric indicators before October 26, 2004.
- Italy has initiated the process to enable the issue of passports containing biometric indicators. In fact, on December 11, 2004, a prototype of the new Italian passport with a biometric indicator – the first such in Europe – was presented to the press by Assistant Secretary of State Baccini.
- Moreover, since July 1, 2003, the Italian Ministry of Foreign Affairs (which by law governs all matters related to passports), *has been meeting* on a frequent and regular basis together with the Departments of Home Affairs, Justice, Economy and Finance, the Office for the Protection of Privacy, and other Agencies directly involved with this matter, in order to implement the new passport containing biometric indicators.

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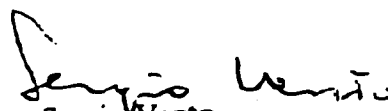
Honorable F. James Sensenbrenner, Jr.
Chairman, Committee of the Judiciary
U.S. House of Representatives
2138 Rayburn House Office Building
Washington, D.C. 20515 6216

- In principle, it is expected that the first Italian passports containing biometric indicators will be issued during the course of 2005.
- Electronic scanners that read machine-readable travel documents are currently used at Italian international ports of entry, the electronic reading stripe is appended to the last generation Italian travel documents, in compliance with current ICAO MRTD proposed standards.
- Italian legal and technical experts are actively engaged in the implementation of a passport with biometric indicators in compliance with current ICAO and European Union standards.

Italy considers its current participation in the U.S. Visa Waiver Program extremely useful in maintaining the excellent bilateral relations between our two countries. At the same time, Italy is convinced that the new security challenges of the XXI century, including the adoption of modern technologies in the area of travel document protection, must be faced in a timely manner.

Should your Committee require any additional information related to this matter, please do not hesitate to call again on my staff or on me personally. For your ready reference, the Embassy officer in responsible for this matter is First Counselor Alberto Galluccio (Consular, Justice and Home Affairs). He can be reached by phone at (202) 612 4440; and by e-mail at washington.cons@itwash.org.

Sincerely yours,


Sergio Vento



EMBASSY OF THE REPUBLIC OF SINGAPORE

March 29, 2004

The Honorable F. James Sensenbrenner, Jr.
Chairman
Committee on the Judiciary
House of Representatives
Congress of the United States
2138 Rayburn House Office Building
Washington, D.C. 20515-6216
Fax: (202) 225-7686

Dear *Congressman Sensenbrenner,*

I refer to your letter of March 17, 2004 to Ambassador Chan, who is currently overseas.

Singapore supports efforts of the United States to introduce biometric identifiers to strengthen national security, and agrees that the inclusion of biometric identifiers in passports would enhance the security and effectiveness of the current immigration clearance process. The introduction of such measures is also in line with Singapore's efforts to enhance its own national security.

Singapore is committed to introduce passports with biometric identifiers within a more realistic deadline. Singapore has taken part in the various ICAO meetings to discuss the biometric passport standards. However, as ICAO can only confirm the technical specifications the soonest possible in May 2004, it would leave insufficient time for Singapore and

other Visa Waiver Program (VWP) countries to implement the system before October 26, 2004.

Despite efforts taken by the relevant agencies to issue passports with biometric identifiers, Singapore will not be able to meet the deadline. Singapore would like to continue working closely with ICAO and the US authorities to put in place a system that is globally interoperable.

I am pleased to enclose the information that you requested. I hope that you and other Members of the Committee of the Judiciary of the House of Representatives of the United States will find the information useful.

Yours sincerely,



SUSAN SIM
Charge d'Affaires, a.i.

Enc.

RESPONSE TO THE HONORABLE CONGRESSMAN
MR F. JAMES SENSENBRENNER, JR.'s LETTER OF 17 MARCH 2004

Did the Department of State and the Department of Homeland Security provide your government with sufficient and timely information about the new requirements?

Will Singapore be able to issue legally compliant passports before Oct 26, 2004?

How will the proposed ICAO MRTD standards addressing global interoperability, reader technology and contactless chips anticipated to be adopted by the ICAO Technical Advisory Group on MRTD in May 2004 affect Singapore's passport revision plans?

Singapore fully supports the United States' (US) initiative for the use of biometrics to improve the identification of travelers. Singapore is committed to introducing biometric passports and has been actively participating in various ICAO New Technologies Working Group (NTWG) meetings to discuss the biometric passport standards.

2 However, to realise the full value of biometrics for international travel control, a consensus on a common standard is required so as to achieve global interoperability. We note that there are wide-ranging and uneven standards applied by different countries in the production and issuing of biometric passports. With only about seven months to the deadline, a comprehensive set of international technical standards has yet to be clearly defined.

3 Given the importance and magnitude of such a project, it is the Singapore Government's desire that sufficient time should be given to design and implement a reliable and globally interoperable system. We should not compromise security just to meet the Oct 2004 deadline.

4 Singapore's timeline for the implementation of the biometric passport depends on when the technical details/requirements are finalized. Singapore will require a lead-time of at least 12 months from the date ICAO finalizes the technical standards and form factor to introduce a robust, reliable and accurate system for issuing biometric passports. We need to consider the magnitude and impact each country's biometric passports will have on receiving nations (the country the holder of a biometric passport is traveling to), as well as the issue of a national Certification Authority to issue digital certificates to authenticate electronic documents.

5 **Assuming** that the ICAO Technical Advisory Group (TAG) can finalize the technical details during the coming meeting in May 2004, Singapore may be able to start issuing biometric passports some time after May 2005. Singapore will not be able to introduce legally compliant biometric passports before Oct 26, 2004. Mr Lock Wai Han, Commissioner, Immigration & Checkpoints Authority, has conveyed the above to Mr Douglas Ellice, Inspector General, DHS, at a working luncheon between Singapore Government officials and the US Embassy in Singapore, on 28 Jan 2004.

If not, has Singapore initiated a process to revise its passports at a later date? When is it anticipated that Singapore's passport will be compliant?

Singapore has submitted to the ICAO NTWG a proposal on an alternative form factor, which is currently being deliberated. In an attempt to expedite our project efforts, we have also developed a sample chip¹ and offered it to the DHS² for acceptance testing/certification in late Jan 04.

2 We are currently waiting for the US' reply on how to proceed with the testing/certification of the sample chip. It would not be prudent for Singapore to proceed with the full-scale project without the US' certification of the sample chip or ICAO's confirmation of the technical details since it is tantamount to pre-judging ICAO's decisions on the technical specifications/standards which include the form factors.

Does Singapore currently use electronic scanners at its international ports of entry to read Machine Readable Travel Documents (MRTDs) compliant with current ICAO's standards?

Singapore has deployed electronic scanners at its checkpoints to read MRTDs since 1991.

¹ As an ICAO member, Singapore has offered inputs by developing a prototype biometric chip in a project called Smart Visa for Identification with Passport or "Smart VIP" as one of the options for ICAO's consideration to push developments along. The chip is high speed (32K or 64K versions), low cost (estimated US\$3), uses elliptical curve cryptographic co-processor rather than more expensive RSA (RSA is an encryption system developed by 3 researchers, Ronald Rivest, Adi Shamir and Leonard Alderman.) and meets all ICAO requirements. It is secure as it leverages on facial and finger print biometrics, and yet it is configured to operate in a manner which can address issues concerning loss of privacy.

² Officers from Singapore's Ministry of Home Affairs met up with the United States Deputy Chief of Mission, Mr John Medeiros, and DHS official, Mr Douglas Ellice on 28 Jan 2004.

Filed 03/31/04



EMBASSY OF ICELAND
Washington, D.C.

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Congress of the United States
F. James Sensenbrenner, Jr.
Chairman
2138 Rayburn House Office Bldg.
Washington DC 20515-6216

Washington, March 18, 2004

Ref: UTN02020063/31.M.611

Dear Congressman,

Thank you for your letter of March 27, 2004, in which you raised issues regarding the visa waiver program.

I like to use this opportunity to mention the good relations which have existed between our countries in this field. It is the wish of the Icelandic Government to cooperate constructively with other states in order to enhance aviation security and secure border control, but also to try to avoid unnecessary restrictions and hindrances to tourism and easy travelling of people through borders.

Your questions have been forwarded to the Icelandic Ministry of Justice which is the relevant authority. It is my hope that the Ministry will give prompt answers.


Helgi Agustsson
Ambassador



EMBASSY OF ICELAND
Washington, D.C.

Committee on the Judiciary
F. James Sensenbrenner, Jr., Chairman
House of Representatives
Congress of the United States
2138 Rayburn House Office Building
Washington, D.C. 20515-6216

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Washington, April 28, 2004
Ref: UTN02020063/31.M.611
GB/ás

Dear Chairman Sensenbrenner,

With reference to your letter of March 17, 2004 and to this Embassy's preliminary answer, sent to your office on 20 April, allow me to forward to you information from the Icelandic Ministry of Justice on the matter in question. On 6 April 2004 the Minister of Justice, Mr Björn Bjarnason, introduced in the Government a paper on the need to introduce new Icelandic passports containing at least two biometric identifiers. The present Passports in use are machine-readable, but do not contain biometric identifiers.

The answers to the specific questions in your letter are the following:

- 1) No. Icelandic authorities were first notified of the plans by the US Embassy in Reykjavík late summer 2003. At that time the deadline was 1 Oct. 2003, later to be postponed to 26 Oct 2004.
- 2) No.
- 3) Yes. Iceland has already initiated the process.
- 4) Compliance anticipated in 2005, at least before November 2006.
- 5) Yes. Compliant with current ICAO standards. The scanners read MRTD's, but are not able to read biometric identifiers.
- 6) Iceland has taken measures to fulfill the proposed ICAO MRTD standards, as already mentioned in the answer to the 3rd question.


Gudni Bragason
Deputy Chief of Mission



AMBASSADE DU GRAND-DUCHÉ
DE LUXEMBOURG

2200 MASSACHUSETTS AVENUE, N. W.

WASHINGTON, D. C. 20008

TEL: (202) 265-4171

FAX: (202) 328-8270

April 1st, 2004

The Honorable
F. James Sensenbrenner, Jr
Chairman
Committee on the Judiciary
2138 Rayburn House Office Building
Washington, DC 20515

Dear Mr. Sensenbrenner,

I have the honor to refer to your letter from March 17, 2004, concerning the postponement of the deadline on October 26, 2004, for the compliance of Luxembourg travelers to present a machine readable passport containing at least one biometric identifier.

My authorities have asked me to inform you of the following:

The American authorities have provided very useful and ample information on the new requirements concerning the machine readable passports. However, the introduction of biometric elements in the passports is a very complex matter which cannot be dealt with in the time limit set by the American authorities. Therefore, Luxembourg will not be able to respect the deadline of October 26, 2004.

Luxembourg is working on a strategy on issuing traveling documents and on putting biometric elements in the passports. This plan can only be finalized after the adoption by the European Council of the European Commission's regulation proposal on the standard for security measures and biometric elements to be incorporated in the passports of the EU citizens.

Furthermore, as far as the aforementioned regulation allows it, Luxembourg would like to take into account the recommendations to be adopted by the Technical Advisory Group of the International Civil Aviation Organization this coming May.

It is difficult to set up an accurate calendar for the implementation of our strategy when the biometric elements to be included, the technology to include these elements on the passports and the technical interoperability are not yet defined. In a best case scenario and under the condition the aforementioned decisions will be made as soon as possible, Luxembourg could start issuing passports meeting the American requirements during the first half of 2006.

Sincerely,



Arlette Conzemius
Ambassador



FAXED
4/2/04

Embassy of Australia
1601 Massachusetts Avenue NW
Washington DC 20036 USA
Ambassador

Telephone 1 202 797-3133
Facsimile 1 202 797-3209

2 April 2004

The Honorable F. James Sensenbrenner, Jr.
Chairman
Committee on the Judiciary
House of Representatives
2138 Rayburn House Office Building,
Washington DC 20515-6216

Dear Mr Chairman

I am writing in response to your letter of 17 March seeking information on a number of issues relating to the US requirement that Australia, as a Visa Waiver Program Country, introduce biometric passports by October 26, 2004.

The following is provided in response to the queries in your letter:

- (a) Yes. Since June 2002, Australia has had good dialogue with the Department of State and Homeland Security on US legislative requirements. But the introduction of biometrics in travel documents requires the creation and introduction of new standards, and the development of new technologies and products. Issues of compatibility and interoperability between Australia and the United States also arise and cannot be settled until the United States decides what infrastructure and technology it will introduce at its own borders.
- (b) (c) and (d) Australia will be in a position to produce compliant passports by 26 October. We cannot proceed however, to test or produce or issue them because the United States has not yet decided on its own passport reading/border infrastructure.
- (e) Australia currently has ICAO compliant scanners at its international ports of entry, however they cannot read chips.

- (f) Australia will comply with proposed standards for interoperability, reader technology and contactless chips that are scheduled for consideration and adoption at the ICAO Technical Advisory Group in Montreal in May. In fact, Australia is playing an integral part in writing and developing these standards in partnership with others, including the United States.

I understand that the Secretary of State and the Secretary of Homeland Security have written to you seeking new legislation, or a waiver to existing legislation, to defer for two years the requirement that Visa Waiver Program countries adopt biometric passports. The outcome of their approach is obviously important for our own plans.

In these circumstances, you will understand we are very reluctant to proceed with production of our own biometric passports, incurring considerable costs. We need to know that the United States itself will have the appropriate technical infrastructure in place, and that this infrastructure is compatible with Australian biometric passports.

Especially as Australia has made a considerable effort to be able to abide by the new US requirements, we would hope to avoid a situation where Australians were disadvantaged because of the failure of other countries to meet the US deadline or because the US agencies have not installed the infrastructure necessary to implement US requirements.

*Yours sincerely
Michael Thawley*

Michael Thawley

AMBASÁID NA HÉIREANN

TELEPHONE: (202) 462-3939

FAX: (202) 232-5993



EMBASSY OF IRELAND

2234 MASSACHUSETTS AVE., N.W.

WASHINGTON, D.C. 20008

1 April 2004

The Honorable F James Sensenbrenner Jr.
Chairman
Committee on the Judiciary
House of Representatives
2138 Rayburn House Office Building
Washington DC 20515-6216

Dear Chairman Sensenbrenner

I have the honour to refer to your letter of 17 March concerning the readiness of Visa Waiver countries to meet the deadline in the Enhanced Border Security Act 2002 for the introduction of passports containing biometric information.

The following are the answers to your questions in respect of Ireland:

1. The Department of State and the Department of Homeland Security have provided sufficient information on the new requirements. As regards timeliness, Ireland, in common with all other Visa Waiver countries, has had to try and meet these requirements while the technical specifications for biometrics in passports were still being developed within the ICAO framework.
2. Ireland will not be able to produce passports containing biometric information by October 26, 2004.
3. The Government of Ireland have decided in principle to introduce biometric passports subject to a further investigation of the practical requirements for doing so. The Department of Foreign Affairs, which is responsible for passports in Ireland, is currently undertaking this investigation and it is hoped to complete this work by the autumn of this year. As you will be aware, the technology is still evolving and availability of suitable microchips is not yet confirmed.


The European Union is also discussing the incorporation of biometrics in passports of EU citizens. In the Declaration on Combating Terrorism adopted in Brussels on 26 March 2004, the European Council agreed to complete the work on the adoption of the legislative proposal on this subject by the end of this year.

4. Depending on the results of the investigation referred to above, we hope to start producing biometric passports by the end of 2006 at the latest.
5. The MRTD scanners used at international ports are ICAO compliant.
6. Ireland will comply with the standards for incorporating biometrics in passports being developed by ICAO. Ireland will also encourage and support the inclusion of these standards in the draft EU Regulation on this matter, recently submitted by the European Commission to the Council of Ministers.

I hope that this information will be of assistance to your Committee. If you require any further clarification of our position on this subject, please do not hesitate to contact me again.

With best personal regards.

Yours sincerely



Noel Fahey
Ambassador

*Embassy of Austria
Washington, D.C.*

The Ambassador

Ref. # 6.5/21/04

April 05, 2004

The Honorable
Congressman F. James Sensenbrenner, Jr.
Chairman of the Judiciary Committee
House of Representatives
2138 Rayburn House Office Building
Washington, D.C. 20515-6216

Dear Congressman Sensenbrenner:

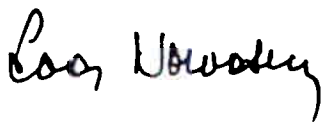
Thank you for your letter of March 17, 2004 regarding information about pending deadlines in connection with the U.S. Visa Waiver Program.

On behalf of the Austrian Ministry of the Interior, it is my pleasure to forward to you the answers to the specific questions posed in that letter. Please find them enclosed on the attached page.

It is my pleasure to be able to assist you with this legislative matter.

With my best regards,

Sincerely,



Eva Nowotny
Ambassador

Enclosure

Reply to Questions on the U.S. Visa Waiver Program

Question (1):

Austria received the information regarding the new passport requirements in a timely and sufficient fashion.

Question (2) and (3):

Austria has already taken steps to allow for fulfilling the required standards. With regard to implementing measures still outstanding (see, for example, Question 6), it is becoming increasingly difficult to meet the deadline.

Question (4):

Austria intends to meet the deadline consistent with that of other Member States within the European Union.

Question (5):

Austria is currently using electronic scanners at all of its border crossings which are capable of reading Machine Readable Travel Documents (MRTD), compliant with the current International Civil Aeronautics Organization (IAO) standards.

Question (6):

Austria is required to fulfill these standards. The timely implementation of the ICAO MRTD standards are to a large extent dependent upon their anticipated adoption by May, 2004.

For the Federal Minister

Grosinger



EMBASSY OF JAPAN
WASHINGTON, D. C.

April 6, 2004

Dear Chairman Sensenbrenner:

Thank you for your letter dated March 17th regarding the introduction of biometric passports in visa waiver countries. I am pleased to have an opportunity to assist you in gathering information on this critical issue, which could greatly impact travel between the United States and Japan.

The answers to your questions are as follows:

Did the Department of State and the Department of Homeland Security provide your government with sufficient and timely information about the new requirements?

Since the enactment of the Border Security and Visa Entry Reform Act of 2002, we have had extensive communication with the U.S. government regarding the legal requirements of ICAO compliant biometric passports. However, due to the fact that ICAO has not completed finalizing its standards for biometric passports and its readers, we are still uncertain of the exact requirements of the Act.

Will Japan be able to issue legally compliant passports before October 26, 2004?

Unfortunately, this is difficult. We consider international interoperability to be of the utmost importance, and hence we feel it is crucial to issue biometric passports that are fully ICAO compliant. Currently, the ICAO has not finalized its standards, and although we hope that they can finalize the standard in this May, that would not leave enough time to develop, procure and deploy passport and passport printers that fulfill the stated legal requirement as well as its security intent.

If not, has Japan initiated a process to revise its passports at a later date?

Yes, we have. The government has commissioned the National Printing Bureau to develop a next generation passport booklet compatible with IC chips. We also have contracted the development of passport printers for IC chip-enabled passports. In addition, we have commissioned a domestic group of experts to consider the legal, technical and operational aspects of the application of biometrics to our passport. As this shows, we are making steady progress toward the issuance of biometric passports.

When is it anticipated that Japan's passports will be compliant?

We intend to introduce them in Japanese Fiscal Year 2005 (April, 2005 to March, 2006.) This was stated in the Foreign Minister's policy speech at the beginning of the current Diet Session, as well as in the "e-Japan Strategy II: the Acceleration Package," which is an initiative announced on February 6 by the IT Strategy Headquarters headed by Prime Minister Koizumi.

Does Japan currently use electronic scanners at its international ports of entry to read Machine Readable Travel Documents (MRTD) compliant with current International Civil Aeronautics Organization (ICAO) standards?

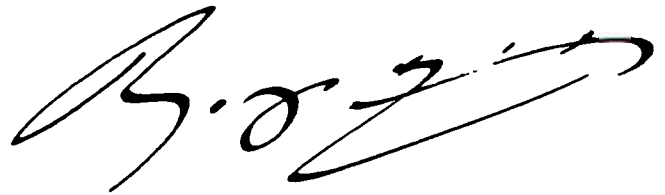
Yes. Japan uses electronic scanners to read ICAO compliant machine readable passports at all of its international ports of entry.

How will the proposed ICAO MRTD standards addressing global interoperability, reader technology and contactless chips anticipated to be adopted by the ICAO Technical Advisory Group on MRTD in May, 2004 affect Japan's passport revision plans?

As mentioned previously, because we consider international interoperability to be of the utmost importance, we intend to begin the development of the IC chips as soon as the finalized standard is adopted by ICAO this May. Hence, the adoption of standards is the primary and the most important prerequisite for our passport development.

I have enclosed a timeline and non-paper for your reference. Should more information be required, I would be pleased to make a personal visit bringing with me any further details that might be needed. Mr. Kazuya Nashida is also available at (202) 238-6724 to offer assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Kato', with a large, sweeping flourish at the end.

Ryozo Kato
Ambassador of Japan

The Honorable
F. James Sensenbrenner, Jr.
Chairman
Committee on the Judiciary
2138 Rayburn House Office building
Washington, DC 20515-6216



NEW ZEALAND EMBASSY

TE AKA AORERE

WASHINGTON

2 April 2004

The Hon. F. James Sensenbrenner
Chairman
Committee on the Judiciary
United States House of Representatives
2138 Rayburn House Office Building
Washington DC 20515-6216

Dear Chairman Sensenbrenner

I am writing in response to your letter of 17 March 2004, in which you requested information related to pending deadlines that will affect New Zealand citizens travelling to the United States. Answers to the specific questions raised in your letter are as follow:

Did the Department of State and the Department of Homeland Security provide your government with sufficient and timely information about the new requirements?

No. We believe that appropriate United States authorities should have consulted visa waiver countries during the drafting of the legislation to ensure the full impact of the proposed changes were understood. The Department of State informed us formally about the law change some months after the law was enacted. Most of the information gained by the New Zealand Government has been proactively sought informally at international fora such as ICAO.

The Department of Homeland Security has also provided details of the proposed border processes and how the required certification will be achieved slower than we would consider ideal. There are still a large number of outstanding issues to be resolved, e.g. how emergency documents will be treated, and it is apparent that much of the detail has yet to be finalised by US-Visit.

Will New Zealand be able to issue legally compliant passports before October 26, 2004?

New Zealand plans to introduce a passport with the holder's biometric data encoded on a contactless chip by 26 October 2004. Contracts are being finalised for the supply of chip-enabled passport books and we are in the design phase for the operational systems

to support chip personalisation. While this e-passport project is progressing well our ability to meet 26 October 2004 is contingent on a number of factors:

- ICAO approval technical reports relating to the encoding of RF chips by the end of May 2004;
- Development of formal standards on the basis of these reports requires ISO approval – a process that takes at least 12 months;
- That the technical reports contain sufficient detail to allow vendors to provide both chips and compliant operating systems;
- That there are production quantities of chips and reader/writers available by early July 2004;
- That satisfactory operational and durability testing results are achieved; and
- That US-Visit puts in place a process that allows for certification of the New Zealand passport as meeting all requirements prior to operational production.

This is a high-risk project and there are many factors, as noted above, that are beyond New Zealand's control, and which will impact on our ability to meet the deadline.

If not, has New Zealand initiated a process to revise its passports at a later date?

The e-passport development programme will continue until full implementation is achieved, even if 26 October 2004 deadline is not met. If it becomes apparent that the target date is not achievable it is likely we would rollout in a phased manner rather than pursue full implementation on Day One as is currently planned.

When is it anticipated that New Zealand's passports will be compliant?

See answer to question 2 above.

Does New Zealand currently use electronic scanners at its international ports of entry to read Machine Readable Travel Documents (MRTD) compliant with current International Civil Aeronautics Organisation (ICAO) standards?

New Zealand has a computerised entry/exit system at all international ports. This system is supported by passport readers/scanners, which read the machine-readable zone (MRZ) of all ICAO-compliant travel documents at both entry and exit. The New Zealand Customs Service has full-page passport readers that include feature-analysis functionality, which are primarily used in secondary inspection. Additionally The New Zealand Immigration Service is currently implementing Advanced Passenger Processing (APP) systems to provide real-time assessment of travellers at check-in at foreign ports.

How will the proposed ICAO MRTD standards addressing global interoperability, reader technology and contactless chips anticipated to be adopted by the ICAO

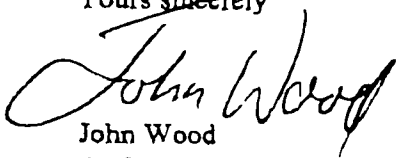
Technical Advisory Group on MRTD in May, 2004 affect New Zealand's passport revision plans?

As noted above, the approval of the technical reports is a critical factor in relation to the introduction of a "compliant passport" by 26 October 2004.

I hope that this information is useful. Should the Committee require any further information on this issue, please do not hesitate to contact Winton Holmes on (202) 328 4842.

With kind personal regards,

Yours sincerely

A handwritten signature in cursive script, appearing to read "John Wood".

John Wood
Ambassador

cc: Brian Zimmer
Senior Investigator
House Committee on the Judiciary

The Ambassador of Switzerland

Washington, D.C., April 8, 2004

Christ: /
Brian Z

The Honorable
F. James Sensenbrenner, Jr., Chairman,
Committee on the Judiciary,
U.S. House of Representatives
2138 Rayburn House Office Building
Washington, D.C. 20515-6216


Dear Mr. Chairman:

I refer to your letter dated March 17, 2004, concerning the approaching deadline for Visa Waiver Program countries to begin issuing machine-readable passports with at least one biometric identifier, and I am pleased to inform you of the following:

1. The Department of State and the Department of Homeland Security provided Switzerland with information about the new rulings on a regular basis and in a timely manner, especially with regard to the provisions of the Enhanced Border Security and Visa Entry Reform Act. However, there were and still are numerous open questions about the implementation of these provisions; in particular, the ICAO standards, which have been declared to be binding, are still incomplete. That is why we welcome the request made by Secretary of State Colin L. Powell and Secretary of Homeland Security Thomas J. Ridge for a two-year extension of the October 26, 2004 deadline for introducing biometric data in travel documents. That would give Switzerland and the other Visa Waiver Program countries a more realistic time frame for integrating biometric data.
2. Switzerland will not be able to issue passports with the required biometric data on October 26, 2004.
3. Yes. Shortly after the introduction of the new ICAO-compliant machine-readable Swiss passport in 2003, the competent Swiss federal offices began working on integrating biometric data in travel documents. Together with leading Swiss experts, the Federal Department of Justice and Police is conducting a feasibility study which will be completed in summer of 2004. Based on that study, the Swiss Federal Council will decide on the further steps.

4. After the Federal Council (the executive branch of Switzerland) has made its decision, the timely implementation will depend on two factors. First of all, the introduction of biometric data in passports requires a change in the Swiss legislation on identity documents which must be approved by the Swiss Parliament. Secondly, Switzerland attaches much importance to defining standards in a multilateral framework (ICAO), guaranteeing an internationally recognized system. In that regard, the implementation of the provisions is closely connected with the outcome of the May meeting of the ICAO Technical Advisory Group in Montreal. In view of both factors, the timing of which cannot be determined in advance, at the present time a binding answer cannot be given as to whether the requested two-year extension of the deadline will be sufficient.
5. Scanners for reading Machine Readable Travel Documents which are compliant with ICAO standards are in use at Swiss ports of entry today. In particular, the scanners are systematically used in checking entry visas. When travel documents are scanned in, an inquiry can be made simultaneously in the Swiss computerized watch list RIPOL and in the Central Register of Foreigners, as well as in other databases.
6. Switzerland actively participates in ICAO's decisive work on defining technical standards for producing passports with biometric data and is closely following the developments in this area. At its next session from May 17-21, 2004, in Montreal, the ICAO Technical Advisory Group on Machine Readable Travel Documents (TAG/MRTD) will decide on essential points of global standards which are of great importance to Switzerland. Binding ICAO standards will provide us with additional reference points for proceeding further and making concrete plans for the introduction of biometric data in Swiss passports. In particular, the standards connected with global interoperability, Logic Data Structure (LDS) and Public Key Infrastructure (PKI) have to be set beforehand.

Sincerely,

A handwritten signature in black ink, consisting of a stylized 'C' followed by a series of loops and a long horizontal stroke.

Christian Blickenstorfer



April 8, 2004

The Honorable F. James Sensenbrenner Jr.
Chairman
Committee on the Judiciary
House of Representatives
108th Congress of the United States
Washington, D.C.

Dear Chairman Sensenbrenner,

The Embassy of Finland has the honour to refer to your letter dated March 17, 2004 concerning the readiness of Visa Waiver countries to meet the deadline in the Enhanced Border Security Act 2002 for the introduction of passport containing biometric information.

Please find herewith the answers to your questions in respect of Finland:

1. To fulfill the requirements on biometric standards on the schedule has been problematic to Finland due to the lack of international standards on some technical specification, e.g., microchips.
2. Changes in passports need to correlate with legislation and Finland is planning to submit a new passport bill in autumn 2004 to be able to fulfill international requirements. New passports will be issued after new international standards have been accepted and all the required computer systems installed. Finland will not be able to produce passports containing biometric information by October 26, 2004.
3. Issuance of passports with biometric information is planned to commence in spring 2005 in Finland and abroad at our Embassies in the beginning of 2006.
4. The MRTD scanners used in all Finnish international airports, all sea harbours and all international road and railroad borders are ICAO compliant.

5. Finland will comply with the new ICAO MRTD standards concerning microchips and reader technology.

The Embassy hopes that this information is of assistance to the Committee on the Judiciary.

Sincerely,

Jukka Valtasaari
Ambassador of Finland



Ambassade van het

Koninkrijk der Nederlanden

19 April 2004

The Honorable F. James Sensenbrenner, Jr
Chairman
Committee on the Judiciary
2138 Rayburn House Office Building
Washington DC 20515-6216

Dear Mr. Chairman :

Thank you for your letter of 17 March about the introduction of biometric passports for travellers from visa waiver program countries. We are committed to introducing an effective biometric passports program as soon as possible but, like many other countries, we are unable to meet the October 26 deadline. I am pleased to herewith provide you with the responses to your specific questions. Hopefully this information leads to the conclusion to extend the deadline for introducing biometric passports until at least the year 2006.

Did the Department of State and the Department of Homeland Security provide your government with sufficient and timely information about the new requirements?

Both the Department of State and the Department of Homeland Security provided sufficient and timely information about the new requirements.

Will the Netherlands be able to issue legally compliant passports before October 26, 2004?

No, the Netherlands will not be able to issue passports with electronic biometric identifiers before October 26, 2004.

*If not, has The Netherlands initiated a process to revise its passports at a later date?
When is it anticipated that the Netherlands' passports will be compliant?*

The Netherlands are planning to issue passports with electronic biometric identifiers by October, 2006.

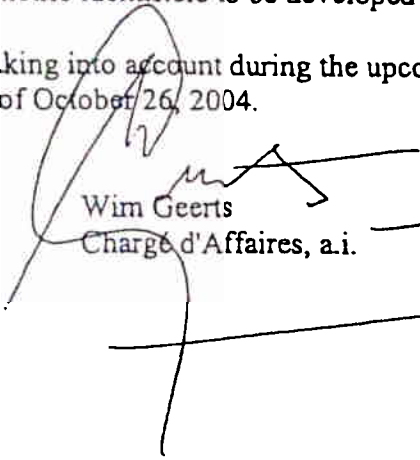
Does the Netherlands currently use electronic scanners at its international ports of entry to read Machine Readable Travel Documents (MRTD) compliant with current International Civil Aeronautics Organization standards (ICAO)?

The immigration authorities at Amsterdam Schiphol Airport are using ICAO compliant MRZ-readers.

How will the proposed ICAO MRTD standards addressing global interoperability, reader technology and contactless chips anticipated to be adopted by the ICAO Technical Advisory Group on MRTD in May 2004 affect the Netherlands' passport revision plans?

The Netherlands will comply with biometric identifiers to be developed by ICAO.

I hope the above information will be taking into account during the upcoming deliberations to postpone the deadline of October 26, 2004.



Wim Geerts
Chargé d'Affaires, a.i.



ROYAL NORWEGIAN EMBASSY
WASHINGTON, D.C.
The Ambassador

April 8, 2004

The Honorable
F. James Sensenbrenner, Jr.
U.S. House of Representatives
2449 Rayburn House Office Building
Washington D.C. 20515-6216

Dear Mr. Sensenbrenner,

Reference is made to your letter of March 17, 2004, concerning the USA Patriot Act of 2001 and the deadline whereby travelers from visa waiver program countries must present a machine-readable passport containing at least one biometric identifier to enter the United States without a visa.

The answers to your questions as far as Norway is concerned are as follows:

1. The Department of State and the Department of Homeland Security provide the first information about the new requirements in March 2003.
2. Norway will not be able to issue legally compliant passports before October 26, 2004.
3. Norwegian authorities are currently working on plans for the implementation of biometrics in Norwegian passports.
4. According to current planning, which is still subject to decision at the government level, new Norwegian passports issued after a date late in 2005 should have biometric security features included.
5. Norway is currently using electronic scanners at international ports of entry. These scanners are also able read MRTD compliant with current ICAO standards.

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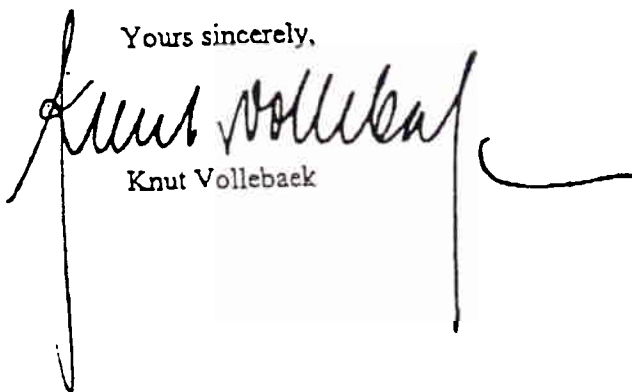
Telephone:
+202 338 6000

Telefax:
+202 337 0870

Web site:
<http://www.norway.org>

6. The ICAO standards will be taken into consideration, and the new Norwegian passports with biometrics will meet the standards recommended by ICAO. As the standards have only recently been adopted, it is difficult to say if and how these will affect the current planning.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Knut Vollebaek', is written over a light gray rectangular stamp. The signature is fluid and cursive, with a long horizontal stroke extending to the right. The stamp is partially obscured by the ink.

Knut Vollebaek

PORTUGUESE EMBASSY
WASHINGTON

March 31, 2004

Dear Mr. Chairman

In reference to your letter dated March 17th, regarding the Visa Waiver Program and the pertaining requirements established in the USA PATRIOT Act of 2001 and the Enhanced Border Security and Visa Entry Reform Act of 2002, we hereby wish to inform you of the following:

- To the best of our knowledge, the American authorities, through the Department of State, have been informing the Portuguese authorities of all the requirements that arise from the American legislation.
- The process of introduction of biometric information in Portuguese passports has been undergoing within an interministerial commission, which includes the Ministries of Foreign Affairs, Internal Affairs and Justice, created by the Portuguese Government for the purpose of conducting the mandatory legally binding procedures implied.
- This is a matter of great importance, but also of highest complexity both for technological and financial reasons, namely interoperability, production and procurement. So, in this context, Portugal will not be able to produce passports with biometric information by October 26, 2004.
- Furthermore, the biometric issue is also currently in an ongoing discussion within the European Union and Portugal, as its Member State, is part of the decision making process within the appropriate EU Institutions.

- All international ports of entry in Portugal are well equipped to read Machine Readable Travel Documents (MRTD), according to ICAO standards.
- The last revision of the Portuguese Law on passports dates of January 2001, meaning that as of that date the Portuguese authorities only issue MRTD. In order to introduce the new technology new legislation has to come in place and this is the main focus of the above mentioned Commission.

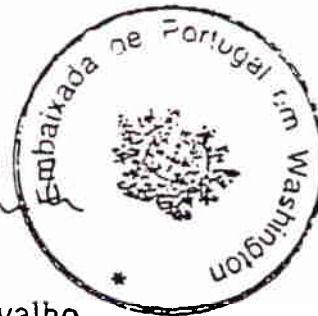
Additionally, we would like to emphasize that security concerns, especially after the tragic events of September 11, 2001 and March 11, 2004, are a priority for the Portuguese Government. The protection of our passports is one of paramount importance for our country.

Finally, Portugal would also like to stress the mutual advantages of the participation of our country on the Visa Waiver Program, allowing tourists and businessmen from both our countries to benefit from an expedited legitimate and safe travel.

Sincerely,



Josefina Reis Carvalho
Chargé d'Affaires, a.i.



The Honorable
F. James Sensenbrenner, Jr.
Chairman of the Committee on the Judiciary
House of Representatives

Work translation

REPUBLIC OF SLOVENIA
MINISTRY OF INTERIOR
Štefanova ulica 2, 1501 Ljubljana
Telefon: 01/472-51-11
Fax: 01/432-51-25

No. 1333/08-920-219/2004
Date: 06.04.2004

Subject: UPGRADING THE SLOVENIAN PASSPORT WITH BIOMETRIC ELEMENTS - Reply to the request by the US Congress

Referring to the questions posed by the US Congress regarding the procedure of upgrading the Slovenian passport with biometric elements, we hereby clarify the following:

We estimate that the Department of State and the Department of Homeland Security notified the Republic of Slovenia of the new requirements in due time. However, there are many unclear matters and unresolved complex issues associated with the introduction of biometry to passports, which concern Slovenia, as well as other countries that decided to upgrade their passports with biometric data. Therefore, the more information on the term of validity and the details of implementing the new regime cannot be assessed as sufficient. In relation to this, it must be mentioned that intensive debates are still underway, both within the ICAO organisation, as well as in the EU, on the issues of integrating biometry into passports. Individual solutions are not yet final, but a solution to all open issues is a prerequisite for ensuring interoperability of biometric data in passports. Such a passport system should include as large a number of countries as possible. These countries would then harmonise the procedures of taking biometric data, their transfer into the chip, and, this being especially important, the modalities of safe access to and control of data at border checks.

The Republic of Slovenia will be able, within 6 months after the adoption of the ICAO technical recommendations and the EU technical standards, to introduce a passport with an embedded contactless chip containing information on the biometric characteristics of its holder. As the respective recommendations are expected to be adopted in May, it is impossible, due to a delay in the adoption of the recommendations on ICAO standards, to implement the modification by 26 October 2004. An obstacle to a timely implementation is the availability of a chip with adequate data saving capacities (64 K or more). A further impediment is the fact that the European Commission has announced the adoption of a Regulation on standards for security features and biometrics in EU citizens' travel documents. The proposed regulation sets out that a special expert committee would decide on the respective standards and that these standards would become binding within one year after their adoption. Considering that the Republic of Slovenia will become an EU member on 1 May 2004, the mentioned regulation and the standards ensuing therefrom will also be binding upon Slovenia.

The Republic of Slovenia has prepared a timetable for the project of upgrading the passport with biometric data. The programme includes amending the Passports of Citizens of the Republic of Slovenia Act, supplementing the logistical support for the production and issuing,

as well as embedding the chip into the passport. We must underline again that realising the objectives within the planned timescale depends much on the decisions of the EU and ICAO, as well as on the market availability of a chip with adequate data saving capacities.

At its border crossing points, the Republic of Slovenia uses optical readers of the OCR-B data. Namely, the standard of equipping border crossing points at the EU external borders provides that each checkpoint must have a computer workstation enabling direct access to data bases, while the entry point is represented by a scanner that enables reading the OCR-B data. We would like to add in this context that the first Slovenian passports with machine-readable OCR-B data were already issued in 1991. The second generation of Slovenian passports, the one that is currently valid, has been made in accordance with the international ICAO standards in the area of travel documents and the security-protection standards in the EU.

The Republic of Slovenia has been closely monitoring the work of the group which within the framework of the ICAO has been drafting technical recommendations to the ICAO 9303 (MRTD) standard. The mentioned recommendations refer to interoperability, the technology of data reading and the contactless chip. Representatives of the Republic of Slovenia also participate in the third group of the European Commission Committee laying down a uniform format for visas. The mentioned group examines how the biometric data are taken, how they are integrated into the visa document and how they are controlled. The biometric data will be integrated into the Slovenian passport in accordance with the mentioned technical recommendations. In doing this, Slovenia will also comply with the unitary approach to solving the issues of integrating biometry into the European passport in accordance with the guidelines set by the European Commission in the Proposal for a Council Regulation on standards for security features and biometrics in EU citizens' passports. The Republic of Slovenia will endeavour to introduce biometry in its passports in accordance with the ICAO recommendations and the EU guidelines, for which it has made a time schedule of upgrading the Slovenian passport with biometric data.

Best regards

dr. BOJAN BUGARIČ
STATE SECRETARY

ROYAL DANISH EMBASSY
Washington, DC

The Right Honorable
F. James Sensenbrenner, Jr.
Chairman of the Committee on the Judiciary
Congress of the United States
House of Representatives
2138 Rayburn House Office Building
Washington, D.C., 20515-6216

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Enclosure

File
36.E.1.

Date
20 April, 2004

Dear Chairman Sensenbrenner,

Thank you for your letter dated March 17, 2004, to Ambassador Feder-spiel concerning i.a. deadlines that will affect citizens of Denmark travel-ling to the United States. The letter has been submitted to the relevant Danish agencies for review. On this back-ground, the Dept. of Justice has provided the following information:

- 1) The information received concerning the new requirements has been satisfactory.
- 2) The Danish Ministry of Justice has decided not to include bio-metric identifiers in the Danish passports, which will be intro-duced October 1, 2004.

The decision should primarily be viewed in the light of the EU-Commission's proposition of February 18, 2004, concerning common security elements and biometric identifiers in EU-passports.

Further, according to the US Embassy in Denmark, the Admini-stration has asked Congress to bring about the necessary legisla-tion to postpone the deadline until December 2006 for the pro-duction of passports with biometric identifiers as a condition for entering the United States.

On this background, the Ministry of Justice found it most appro-priate to await the results of the determination of biometric stan-dards within the context of the European Union, before deciding to introduce biometric identifiers into the Danish passports.

- 3) Denmark is using electronic scanners at airports and at seaports with any significant entry.
- 4) So far, the planning in Denmark has been based on the condition that the proposed standards must be met.

Sincerely,

A handwritten signature in black ink, appearing to be 'K. Ankjær Jensen', with a large circular flourish on the left and a horizontal line extending to the right.

Karsten Ankjær Jensen
Minister, Deputy Chief of Mission



GERMAN EMBASSY

Peter Gottwald
Deputy Chief of Mission

Washington, April 20, 2004

German Embassy, 4645 Reservoir Road, N. W., Washington D.C. 20007

The Honorable
James Sensenbrenner Jr.
Chairman, Committee on the Judiciary
House of Representatives
2138 Rayburn House Office Building
Washington, DC 20515-6216

by fax: 202-225 7686

Dear Mr. Chairman:

In the absence of Ambassador Ischinger, it is my honor to respond to your letter of March 17, 2004, concerning the introduction of machine-readable passports with biometric identifiers by the Federal Republic of Germany within the context of the U.S. visa waiver program.

In mid-2003, the EU Commission and EU member states agreed on placing biometric identifiers on passports. The Commission was charged with presenting an appropriate proposal, which it did on March 19, 2004.

With that, responsibility for the issue was transferred to the European Union. Consequently, the individual member states no longer have regulatory responsibility. The Commission, in exercising its responsibility for international cooperation under European law, is in direct contact with the United States regarding this issue.

E-Mail: peter.gottwald@diplo.de

phone: +1 202 298 8140 - direct: +1 202 298 4208 - fax: +1 202 471 5558

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Following the terrorist attacks in Madrid, the political decision to use biometrics was expressly reaffirmed and the timetable was further specified with the aim of expediting the process.

The Council and the Committee of European Justice and Interior Ministers are following the process very closely.

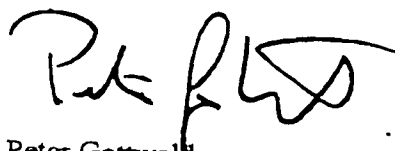
The EU Commission and the member states are currently working on the technical specifications. Three working groups have been formed to deal with the design of the documents, the storage of data on those documents, and the technical equipment aspects.

A decision on the regulation governing European passports and biometric identifiers is to be taken by the end of this year. The ICAO standards, if adopted by then, will be taken into account.

The German Government, specifically the German Federal Minister of the Interior, has extensively discussed Germany's positions and planned measures in this matter with the competent U.S. authorities. In addition, there is close coordination at the executive working level.

Germany anticipates that it will be able to begin issuing passports with biometric identifiers in accordance with EU standards in 2005.

As you can see, Mr. Chairman, the process is well underway.



Peter Gottwald

*Ambassade de France
aux Etats-Unis*

*L' Ambassadeur
n° 830*

Washington, April 23, 2004

Dear Mr. Sensenbrenner,

Following your letter dated March 17 concerning the introduction of biometric passports, please find hereafter the answers prepared by the French Ministry of Domestic Affairs.

1. Information provided by the American authorities

The French authorities have been regularly and properly notified of U.S. deadlines and requirements, notably by the diplomatic note of October 14, 2003 from the American Embassy in Paris, with which the Ministry of Foreign Affairs and the Ministry of the Interior, Domestic Security and Local Liberties (MISILL) maintain excellent ties. They are even more informed in that the obligation to introduce biometric identifiers is part of a European and international process, not only for passports, but other documents such as visas and European residency cards (TSE). (Initial reflections on this subject began after September 2001.)

2. Will France be able to meet the October 26, 2004 deadline for the introduction of biometric passports?

On May 22, 2003, the ICAO Air Transport Committee endorsed the ICAO recommendation adopted at the TAG/MRTD in May 2003 providing for the obligatory and standardized use of a digital photographic image on a medium embedded into the passport, preferably an electronic chip, leaving it up to individual nations to use additional and optional biometric data (fingerprints or images of the iris). Nevertheless, it seemed difficult, if not imprudent, to then begin producing biometric passports given that a certain number of technical points remained to be resolved.

Mr. Jim Sensenbrenner
Chairman
Committee on the Judiciary
2138 Rayburn House Office Building
Washington, DC 20515-6216

The many meetings that have been held within the framework of the ICAO's NTWG over the past year, which France has systematically attended and which have resulted in the drafting of technical reports, have demonstrated the absolutely necessity of expanding the work currently under way before embarking on a process that, while strengthening passport security, will also considerably increase production costs.

All of these questions have not yet been fully resolved to date, notably those relating to the memory capacity of chips without contact, their lifetime, the securing of data, the infrastructure for the international management of certification procedures, and the compatibility between chips and scanners that presently do not possess all of the same technical characteristics, given that the equipment is produced by different manufacturers.

Furthermore, France could not embark alone on a project that would not have complied with the provisions currently being developed by the European Union through the draft regulation recently submitted by the Commission on the introduction of biometric passports for EU citizens. Of course, this regulation obviously takes into account the ICAO's work and recommendations. Thus the European Council of heads of states and governments of March 25, 2004, tasked the Council with adopting, by the end of the year 2004, Commission proposals dealing with the incorporation of biometric elements in visas and passports with a view to developing technical specifications that the Commission must adopt within the same time frame.

The rules being developed on the European level with regard to the introduction of biometric passports will be adopted in compliance with European provisions relating to the protection of personal data (in this case, directive 95/46 CE relating to the protection of personal data and the free circulation of such data). Moreover, in France, the establishment of files and the registration of personal data cannot take place without prior notification from the National Commission on Information Technologies and Liberties (CNIL).

3. Has France begun the process that will result in the establishment of biometric passports?

The Ministry of the Interior, Domestic Security and Local Liberties, in coordination with other pertinent ministerial departments (the foreign ministry and justice ministry), has initiated technical, legal and logistical studies relating to the production of biometric passports. Working groups were established within the MISJLL and numerous contacts were made with industry.

In addition, the introduction of biometric passports is part of the ambitious "Basic Document" project launched in 2001, whose objective is not only to secure the document itself but to improve the security of the entire procedure (securing individual civil registry certificates). The French project is aimed at achieving a "secure electronic national identity" (I.N.E.S.), from its sources at the civil registry to the delivery of the document to the bearer. It goes beyond simply introducing one or several pieces of biometric data into the certificates that are issued: The objective is to achieve an I.N.E.S. guaranteed by the State, making it possible to use a single procedure for issuing national documents to French citizens (passports and/or electronic national ID cards), which would be in accordance with international and European standards.

4. *When will France be ready to produce biometric passports?*

Given the European Council's decision of March 25, 2004 (see point 2), it would have been difficult for France to begin, alone, producing biometric passports before October 26, 2004.

Moreover, given that France has decided to centralize passport production, this requires totally re-thinking the entire process for producing and issuing such documents.

The date for beginning production at pilot sites could not be envisioned, a priori, before late 2005. It would become widespread only in 2006.

5. *Use of equipment for the optical reading of passports in French airports*

In 2003, this type of equipment was notably installed in the airports of Paris (Roissy-Charles-de-Gaulle and Orly), Lyon-Saint-Exupéry and three international railway stations. All French airports serving the United States from Continental France should be equipped by the end of 2004

6. *The impact of ICAO biometric proposals on future French biometric passports*

That impact is very strong, because it forces us to re-think the entire process for issuing and manufacturing French travel documents, even though reflections were already well underway for the other reasons mentioned above (the launch of a Basic Document in 2001 and reflections at the European level, not only on passports but also on visas and the European residency card). The ICAO's recent work has accelerated this process.

Yours sincerely



Jean-David Levitte